

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6759

BILL NUMBER: HB 1159

NOTE PREPARED: Apr 28, 2005

BILL AMENDED: Apr 27, 2005

SUBJECT: Missing Endangered Adults; Panhandling; Retired Law Enforcement Officers' Identification.

FIRST AUTHOR: Rep. Ruppel

FIRST SPONSOR: Sen. Zakas

BILL STATUS: Enrolled

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State

Summary of Legislation: (A) This bill provides that a law enforcement agency that receives a credible notification concerning a missing endangered adult may prepare and forward a report concerning the missing endangered adult to: (1) other law enforcement agencies; (2) the National Crime Information Center; (3) the data and communication system; and (4) broadcasters in the area where the missing endangered adult may be located. The bill provides that a law enforcement agency may forward the report to a newspaper. It provides civil immunity to a broadcaster or newspaper that receives an endangered adult medical alert. It also makes filing a false report concerning a missing endangered adult a Class B misdemeanor.

(B) The bill requires state and local law enforcement agencies to issue annually to their retired law enforcement officers a photographic identification. The bill also allows a retiring member of the Arson Division of the Office of the State Fire Marshal to retain the member's service weapon and requires the Office to issue the retiring member a badge and an identification card. It requires a retired law enforcement officer who carries a concealed firearm under federal law to obtain annually, at the officer's expense, an endorsement or certification that the officer meets the training and qualification standards to carry that type of firearm. It also provides that an entity that provides the endorsement or certification is immune from civil or criminal liability for providing the endorsement or certification.

(C) The bill also makes it a Class C misdemeanor for a person to panhandle at certain times, in certain locations, or while engaging in certain activities.

Effective Date: Upon passage; July 1, 2005.

Explanation of State Expenditures: (A) *Missing Endangered Adults*: This bill requires a law enforcement agency to prepare and forward a report concerning a missing endangered adult.

Additional Administrative Duties: A law enforcement agency may forward their report to one or more broadcasters that broadcast in the area where the missing endangered senior may be located if it has reason to believe that public notification may assist in locating the adult. The agency may also forward the contents of their report to one or more newspapers located in an area where the missing endangered adult may be located.

The bill allows a law enforcement agency to request that the broadcaster or newspaper notify the public that there is a missing endangered adult medical alert, and broadcast or publish (a) a description of the missing person and (b) any other relevant information that would assist in locating the missing endangered adult, after forwarding a report to them.

The Indiana State Police (ISP) reports that these duties are currently being completed by the majority of law enforcement agencies. Any increase in administrative duties is likely minimal.

(B) *Photographic Identification for Retired Officers*: The bill requires state law enforcement agencies to issue annually to their retired law enforcement officers a photographic identification plus an annual endorsement or certification that the officer meets the training and qualification standards to carry the firearm. This provision will likely increase expenses to the state. With respect to state agencies, a "law enforcement officer" means a state police officer; an investigator for a prosecuting attorney; a conservation officer; an enforcement officer of the Alcohol and Tobacco Commission; or an arson investigator employed by the Office of the State Fire Marshal. An estimated 1,000 retirees from state law enforcement agencies could possibly require a photo identification and a certificate. Costs to state agencies will depend on the costs of the equipment necessary to produce photo identification as well as the personnel needed to take the photographs and whether this service is centralized for the state or available through a state contract with outside vendors. The State Police will also incur some expense associated with additional training, costs for ammunition, and targets. Additional information from the other state agencies will be provided when it becomes available. The bill provides that the retired officer bears any expense associated with obtaining the evidence that the retired officer meets training and qualification standards.

Arson Division Service Weapons at Retirement: The bill provides that when a member of the Arson Division retires after at least 20 years of service, the office must:

- (1) Allow the member to retain the service weapon the office issued to the member.
- (2) Issue the member a badge that indicates the member is a retired member of the Arson Division of the Office of the State Fire Marshal.
- (3) Issue the member an identification card that contains the name of the office and the division; the name of the member; the member's position title; the fact that the member is retired; and that the member is authorized to retain the service weapon issued by the office.

As of November 2004, the Arson Division had 4 staff with over 20 years of service. Members are issued two handguns and a shotgun, but the 40 Glock, which costs about \$400, is considered to be the service weapon. The division has 13 staff, including 2 secretaries. The overall fiscal impact, though not expected to be significant, will depend on the number and years in which investigators retire.

Explanation of State Revenues: (A) *Missing Endangered Adults*: The bill provides for a Class B misdemeanor for false reporting. If additional court cases occur and fines are collected, revenue to both the

Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class B misdemeanor is \$1,000. However, any additional revenue would likely be small.

(C) *Panhandling*: The bill makes it a Class C misdemeanor for a person to panhandle at certain times, in certain locations, or while engaging in certain activities. The maximum fine for a Class C misdemeanor is \$500. Criminal fines are deposited in the Common School Fund.

Explanation of Local Expenditures: (A) *Missing Endangered Adults*: A Class B misdemeanor is punishable by up to 180 days in jail.

(B) *Photographic Identification for Retired Officers*: A local law enforcement officer means a police officer, sheriff, constable, marshal, or prosecuting attorney or a deputy of any of those persons; or an investigator for a prosecuting attorney. The bill provides that after June 30, 2005, all law enforcement agencies must issue annually to each person who has retired from that agency as a law enforcement officer a photographic identification. In addition to the photographic identification, after June 30, 2005, a retired law enforcement officer who carries a concealed firearm must obtain annually, for each type of firearm that the retired officer intends to carry as a concealed firearm, evidence that the retired officer meets the training and qualification standards to carry that type of firearm. Standards would be set by the retired officer's law enforcement agency.

The impact of this proposal will depend on the number of retired officers and the means by which the local agencies obtain the documentation, purchase photo identification, and whether additional training is necessary. The bill provides that the retired officer bears any expense associated with obtaining the evidence that the retired officer meets training and qualification standards.

(C) *Panhandling*: A Class C misdemeanor is punishable by up to 60 days in jail. If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: (A) *Missing Endangered Adults/Panhandling*: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Indiana State Police; DNR; Alcohol and Tobacco Commission; Office of the State Fire Marshal.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Steve Hillman, Indiana State Police, 232-5899; State Personnel Staffing Report; Mara Synder, Office of the State Fire Marshal, 233-5341.

Fiscal Analyst: Sarah Brooks, 317-232-9559; Bernadette Bartlett, 317-232-9586.